Clauses 17 to 24

Mr. SPEAKER.—The question is :

"That Clauses 17 to 24 both inclusive, stand part of the Bill."

The motion was adopted.

"Clauses 17 to 24, both inclusive, were added to the Bill."

Mr. SPEAKER.—The question is :

"That Clause, 1 the Short Title and the Preamble stand part of the Bill".

The motion was adopted.

"Clause 1, Short Title and the Preamble were added to the Bill".

Motion to pass.

Sri J. H. SHAMSUDDIN.—I beg to move :

"That the Mysore Pawnbrokers Bill, 1961, as passed by the Legislative Council be passed".

Mr. SPEAKER.—The question is :

"That the Mysore Pawnbrokers Bill, 1961, as passed by the Legislative Council be passed".

The motion was adopted.

MYSORE SHOPS AND COMMERCIAL ESTABLISHMENTS BILL, 1961 AS PASSED BY LEGISLATIVE COUNCIL.

Motion to consider

Sri B. VAIKUNTA BALIGA (Minister for Law and Labour).—Sir, I move :

"That the Mysore Shops and Commereial Establishments Bill, 1961, as passed by the Legislative Council, be taken into consideration".

Mr. SPEAKER.—Motion moved :

"That the Mysore Shops and Commercial Establishments Bill, 1961, as passed by the Legislative Council, be taken into consideration".

†Sri B. VAIKUNTA BALIGA.—Sir, it is needless for me to remind the House that the Bill was introduced, discussed and afterwards referred to a Joint Select Committee. The Joint Select Committee considered all the matters, received all the representations and made the report and after the report was submitted, the report and the Bill came up for consideration before the Legislative Council and it has been passed. Now it has come to the Assembly for concurrence. It is not necessary for me to say except that various aspects which were

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considered useful have been dealt with in the report of the Joint Select Committee and very good improvements have been made. Those improvements, the House is aware, have been dealt with by the Council. This is a very important Bill affecting a large number of persons who are serving in shops and Commercial Establishments. Naturally it is a subject on which certain possible divergence of opinion prevails. It is also seen that this is a very progressive legislation which serves to protest and establish rights and benefits for the workers. It is in that light amendments have been carried in the Council. I do not think it will be necessary for me to refer to the various things that were accepted in pursuance of the report of the Joint Select Committee. Members of this House also were in the Committee and they have also joined in the report. There was a dissenting note by three of the members and it is also seen that minute of dissent does not cover very many points. It will be seen that prior to the introduction of this Bill, there was no uniformity and while having uniformety, it becomes necessary to make changes because it is not possible to have all the provisions in all the enactments that are going to be unified. I may also mention to the House that cases where this is to be in force have been very much extended and certain special rights and privileges have been given to the Assistants which they did not possess before. There were a few controversial points particularly with regard to the definition relating to Clause 2 item (u) as to whether any premises when they form part of the factory should or should not be governed by the definition of 'shop'. There was also a question as to what particular kinds of trade should be exempted from the operation of this Act either fully or in part. It was mentioned with regard to certain kinds of mills which have to function necessarily at all times like the flour mill, the cinema etc. They were also considered and provisions have been made. Provision also has been made to see that there is no hardship either to the employer or employee. It was also a question with regard to weekly holidays or the number of holidays that an employee should have, whether it should be 36 or more and what should be the computation. After bestowing attention on all the points the Bill has been gone through in the Council and it is now before the House. I do not think I have to say anything more. Not that I am unware of one or two amendments which have been given and I may also say that there is an amendment which has been given by the Government so far as Clause 15 is concerned and also so far as Clause 39 relating to dismissal is concerned. There are also one or two amendments of which notice is received by me and I do not think it is necessary to deal with them at this stage. With these remarks, I commend the Bill as passed by the Council, for the concurrence of the House.

† Sri M. C. NARASIMHAN (K. G. F).—The Minister for Law while introducing the Bill was pleased to say that the note of dissent sent by members did not contain very many points. At least it contains a few

points which are relevant to the Bill and which are most important clauses of the Bill. I shall explain later on what those amendments are. Because I am myself a member of that Committee and I had also occasion to give a note of dissent. This Bill is coming back from the Council and the Council had given its seal of approval the majority report of the Select Committee. Unfortunately at that time the Law Minister and the other members of the Committee, with due respect to them, did not agree with our view points and the Council somehow or other sought to approve of the report. But here we find amendments some of which at least incorporate the ideas or very nearly those ideas which we members of the Select Committe stated in our note of dissent. At least it shows that if at times the Minister in charge of the Bill, at least pay some consideration and give some respect to the view points of the opposition, then always it will be safe.

So far as this Bill is concerned, since it is anyhow going back to the Council with a few amendments, even now I appeal to the Minister who is generally very considerate, when it comes to the question of the interests of the employees, I want him to consider the ways in which this Bill can be improved still further. In that light I am submitting a few points for consideration. We raised it in the Select Committee but somehow or other since we did not make a point on each and every clause, we chose to concentrate our note of dissent on a few points. But when the whole Bill is before the House I would suggest that on the suggestion made by us, we considered patiently and at any rate, we accepted amendments. This Bill follows generally the model Bill which was circulated by the Government of India and it is also more or less on a par with the legislation in Madras. In those particulars in which it is not on a par with that of Madras, I am making a few observations.

First, with regard to the definition clause, a new word, that 'apprentice' has been added in this Bill. This idea of apprenticeship in the employment contemplated in shops and establishments was not there hitherto. In the Madras Act, there was no provision if I remember aright; but from a practical point of view, this apprenticeship in shops and commercial establishments is something which cannot be determined with any precision.

On the other hand, my fear is that this definition without prescribing any period, will lead to the evasion of the whole Act. He may not come within the ambit of hours of work, security of employment and all that. If my amendment is not accepted, then the period of apprenticeship may continue indfinitely because noting is said in the Bill in this behalf. Sir, in the Industries Act, it is customery to period. Therefore, it would not be necessary for such a provision here where the nature of employment does not involve a big amount of apprenticeship of employment of unskilled. I do not think, there is really need for apprenticeship in shops and establishment. This is not found in the Madras Shops and Establishment Act.

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Sir, now I come to the clause regarding exemption on which there was considerable discussion and difference of opinion. I shall deal only with 3 (1) (h)–persons occupying positions of management in any establishment. Sir, such persons are sought to be excluded from the purview of the entire Bill. He will be deprived of all the provisions of benefits and more than all, Sir, the worst thing is, he will not be entitled to any protection against, what I call, arbitrary dismisal, which is a very frequent practice in such shops. Sir, what is the remedy? There is no remedy at all. A Branch Manager in a Burma Shell is declared as a person occupying the position of the management and is not entitled to any of the benefits of this enactment. Sir, he has no right to distribute wages, he has no powers of fixing the wages. If it is a case of rich management, then we can understand. It is not so here. This loose phrase leads to confusion and even persons who are of the lower order and who are not really in a position of discharging managerial responsibilities but who are otherwise the employees, would be deprived of these benefits. Sir, this is not fair. For example, in the Spenser, a clerk who will be in charge of a branch, may be designated, for the purpose of evading the provisions of the Act, as a manager. He may be hardly getting 100 rupees pay. I wish to know whether the Hon'ble Minister could shift this under sub-clause (2) of this clause.

Sir, in sub–clause (2) of clause 3, it is said that certain category of employees may be asked to stay in the shop though not for business. I suggest with all the emphasis at my command, that these persons should not be exempted from the provisions of the Act totally and at least Clause 39 be made applicable to them, so that they may get certain benefitsf rom the Bill.

MR. SPEAKER.—The House now rises and will meet after half-an-hour.

The House adjourned for recess at Thirty Minutes past four of the Clock and reassembled at Five of the Clock.

[MR. DEPUTY SPEAKER.in the Chair.]

Sri M. C. NARASIMHAN.—Sir, I was referring to the exemption clause and I do not wish to repeat. I was saying that persons occupying positions of management may be brought under sub-section (3).

I do not wish to take much time of the House. So far as other provisions of the Bill are concerned, such as hours of work, because my friends will say something about it. Only I think it necessary to bring to the attention of the Hon'ble Minister for Law one aspect of

this chapter regarding annual leave with wages. There are one or two small difficulties apart from the quantum of leave. I do not wish to say anything about the quantum of leave at the moment. I will say a word about the procedural aspect. It has been laid down in clause 15 (1) explanation that this 240 days of attendance or days work is computed in a special manner and this is set out in the explanation (1). For example, any days of law-off by agreement or maternity leave and such other leave is deemed as days of work for the purpose of this sub-section. There is one difficulty arising here and that difficulty I wanted to point out to the Law Minister which escaped my notice last time ;

> "Explanation 1...for the purpose of this sub-section (*a*) any days of lay-off, by agreement or contract or as permissible under the standing order or for any other reason beyond the employer's control."

In this explanation, the days of lay-off are sought to be treated as days of work. The difficulty is lay-off by agreement or contract cannot subsist in all cases as per standing order. There are no standing orders in small establishments because the Industrial Standing Orders Act applies only to industries having more than 200 persons. It cannot be made applicable to shops and commercial establishments having only 2 or 3 people on their establishment. So, in the technical sense of the term, it would not be applicable to those employees and the question of lay-off cannot be taken care of by standing orders. I do not know which particubar type of establishments they have in view while mentioning this standing order. In this State none of the establishments coming under the definition of shops has standing orders. As regards agreement or contract, actually at the time of engagement there is no written agreement or contract. Lay-off was not expected by the existing contracts. It is because of that very situation that in 1956 the Industrial Disputes Act was amended to regulate lay-off and retrenchment. If it was covered contracts, it would not have been necessary to make this provision in the Industrial Disputes Act. So, Sir, lay-off is not generally covered by standing orders or agreement. I cannot understand how this particular provision can be enforced in the circumstances. I have given an amendment to this and the Hon'ble Minister will kindly look into the aspect of the matter and do justice.

Then, it is stated that annual leave with wages cannot be taken in more than 3 instalments. This provision will lead to difficulties. Here we are not making provision for casual leave. In the existing Act there is provision for casual leave and anybody by giving a day's notice can take advantage of it. But in this Bill we have provided only for privilege leave and that too be taken in not more than 3 instalments. In practice, this will lead to difficulties. Suppose an employee gets information that somebody is sick at home and wants to leave suddenly, he may not be able to do so because of this particular

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provision of leave. This is a genuine difficulty. I have given notice of an amendment to remove this difficulty. It is a very harmless amendment and I hope the Hon'ble Minister will accept it.

As regards application of maternity benefit to shops and establishments, the Mysore Maternity Benefit Act is sought to be replaced by the Central Enactment which has been passed by Parliament. No notification has as yet been issued applying it to this State. It is a little more comprehensive than the Mysore Act. In this Bill we are saying that the provision of the Mysore Act shall be applicable to shops and establishments. This is a welcome feature. We have also to make appropriate amendments to the effect that the Central enactment in this behalf will be made applicable to shops and establishments. As it stands the Central Act does not apply specifically to shops and commercial establishments and so it is necessary to say that notwithstanding contained in the other enactments the Central Maternity Benefit Act is applicable to shops and establishments.

Then clause 39 relating to notice of dismissal is a very controversial one. By virtue of this clause an employee can be removed or dismissed in the manner laid down in section 39 (1) But it does not say that an employee dismissed arbitrarily or in an unfair manner has the right of reinstatement or compensation. No doubt there is a scheme for compensation up to one month's pay. I find that there is an amendment by the Law Minister. There are exactly similar amendments by Sri Puttaswamy and Sri Gajanan Pandit, but the clause as it stands is a very retrograde and reactionary provision because the existing Madras and Mysore enactments provide for a certain type of protection. The Mysore Act provides for adequate compensation to be awarded by the Labour Commissioner. The Madras Act also provided for an order by the Labour Commissioner for reinstatement or any other relief which he deemed appropriate, but this Bill by clause 39 introduced a very retrograde measure. Right of reinstatement or security of service is the *sina quoa non* of all labour legislation. If there is any justification for labour laws, it is because of the idea that a poor employee is in a very difficult and precarious position *vis-a-vis* the power of the employer and therefore his security of service should be safeguarded to the extent possible. Article 307 ensures security of service for employees under the State and if that is so, I do not see any reason why such a concept should not be extended to employees in shops and commercial establishments. It is a wrong notion to think that shops and establishments are small institutions. It is true that a large number of shops are small institutions. But this Act will apply also to the bigger establishments like the Life Insurance Corporation or the Standard Vacuum Oil Company and other big companies which employ a large number of labour. Such companies would also have occasions for considering question of reinstatement and I do not see any reason why this idea of reinstatement or security of

service as contemplated in the Madras Act should be taken away. In Madras as well as in Kerala similar provisions are in force since 1948 and have not been removed so far.

Coming to the amendement said to have been moved by the Law Minister. When he told me that he was going to move an amendment, I was very happy and thought that since there was a lot of agitation on this issue, the Minister would readily incorporate a clause similar to the Madras law. But he has really evaded the issue. The controversy was that the Labour Commissioner or whichever administrative authority may be given the right to reinstate an employee should have the power of reinstatement absolutely. But what we find is that the right of reinstatement is conditional upon the willingness of the employer. If that is so, there is necessity for legislation. Why should this amendment be brought at all. Reinstatement should not be made to depend on the volition of the employer. If the employer agrees to it, then why should he dismiss at all. Even if he had dismissed an employee in a fit of anger, he would be unwilling to reinstate him. Therefore this relief is meaningless and it will remain on paper. It is no doubt true that there is a clause regarding compensation. Originally, the compensation for illegal or arbitrary dismissal or dismissal not in accordance with the law would entitle a person to get one month's compensation. Now it is made 6 month's compensation. Even so I do not understand why it should not exceed 6 month's pay. In fact, it is customary to relate the total amount of compensation with the total years of service. This nation is also enunciated in several other enactments also. For example, the Industrial Disputes Act provides that in the case of retrenchment, a person is paid compensation relatable to the service. In the Hyderabad Shops and Establishments Act also, there is a similar provision. In all these enactments, there is no upper limit in respect of compensation whereas it is provided here. It may be stated that these are all small establishments which cannot afford it. If that is so, why not the matter be left to the appellate authority, which can go into the merits of the issue and determine the compensation. If the appellate authority thinks that reinstatement will lead to disruption of normal realtionship, then he can award compensation taking into account the financial capacity of the employer. He will not decide it arbitrarily. He is sitting actually in the nature of a judge. The proceedings before the appellate authority are semi-judicial proceedings and they are not departmental proceedings where the parties are not heard, where the person concerned is not called upon to give a judicial or quasi-judicial decision. He is bound to follow all the principles of judicial procedure. If that is so, I do not see any ground for fear that injustice or miscarriage of justice would result.

There is yet another provision in the amendment given by the Law Minister for an appeal on the appellate authoritie's decision to a District Judge. If there is an appeal provided for, necessarily the appeallate authority will think twice before giving any arbitrary decision.

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If the intention was to give a full-scale right, a proper right, then I think this amendment would not have been brought forward.

The Law Minister knows that in respect of the Beedi Industry Bill, security of service and the procedure of dismissal is exactly similar to Clause 43 of the Madras Act. There is also the right of reinstatement. If an industry or business like the beedi manufacture should get a provision for reinstatement, I do not see why it should not find a place in the Shops and Commerical Establishments bill, particularly, bigger business concerns like insurance. In Madras it is in force and it has not given rise to difficulty. If South Kanara had not merged with Mysore, the people there would have been governed by the other bill which gives protection for reinstatement. I consider that this is an extremely reactionery provision and it is not one which I expected from the Government because it takes away, restricts and abridges in an unfair way the existing right in respect of South Kanara and other places.

5-30 P.M.

†Sri V. SRINIVASA SHETTY.—I entirely agree with the remarks of my friend who has just spoken. This is one Bill on which there was considerable amount of public agitation at least by the employees of shops all over the State including South Kanara. In South Kanara the agitation was rather strong, very serious because vested rights, rights long established by law had been sought to be taken away. That unhappy lot should have fallen to the lot of a Minister from my own district makes it still worse. I know possibly it was not intentional. The Bill was drafted long before he took office, perhaps. Though he was rather unwilling to change the Bill in the first instance as my friend said, on second thought he has recognised certain justification for these demands from the shop assistants and conceded the case but not with enough grace. What I am unable to understand is, he has conceded the case for change in the Bill but not fully. It is a half-hearted and unwilling gesture at which I am surprised. I know the mover fully. As regards the question of law, he has nothing to learn from me. He has had long experience in regard to the problem of labour. But the only difficulty is, perhaps I am afraid my friend has not had sufficient time to apply his mind. Even now he has not had sufficient time to apply his mind fully to this problem. With whatever problems he had applied his mind, he had conceded. He has fully realised the justness of the cause of labour in this particular case. I should like to say that the Madars law has been in existence in the Madras State for a considerable time from 1948. The law having been in existence, the labour having had the advantage of such a beneficial law for all the 13 years, is it fair to enact a retrograde law at this stage and take the odium of having passed this, that too from an Honourable Minister of my own district. I have got resolutions from all the States, saying that the Madras law is the best and those provisions ought to be retained. Can the Minister give any reason as to why these provisions should be changed in a reactionary manner.

I will only refer to one or two points. Daily and weekly hours.

> "No employee in any establishment shall be required to work for more than nine hours on any day and forty-eight hours in any week."

I should like to refer to Section 9 of the Madras Act.

> "Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work more than 8 hours and 48 hours in any week..."

They say eight hours in the maximum. This is the I. L. O. covention. Why should it fall to the unhappy lot of the Labour Minister in this State to increase it to 9 hours? Similarly Section 9 of the Hyderabad Act also says :

> "Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than 8 hours in any day and 48 hours in any week, excluding the interval for rest allowed under sub-section (2)."

In Madras and Hyderabad Karnatak areas, they have got 8 hours. Why change it to 9 hours? I do not know whether it will give raise to a lot of agitation if this clause is retained as it is.

With regard to overtime wages, as my friend mentioned in detail, the same difficulty is there. One other important feture which was taken exception to by labour, as my friend said in a round about way the law is sought to be applied to the prejudice of labour by the word 'apprentice', which is a compendius term. That definition ought to be deleted. On the question of management also, as my friend said in detail, that also is likely to be misused in the working of the Act.

The most important clause to which exception has been taken is Clause 39. I know the Government seem to have had a strong desire to retain the provision as it is. Now only second thoughts, but a number of thoughts have taken place before this amendment was sought. I thought the Government was gracious enough to accept the clause as it exists in the Madras Act, but it is not to be. What appears on the face of the amendment is sought to be taken away by the amendment itself. The amendment as is given by the Minister is rather peculiar. As my friend has explained, employer seems to be recognised as having an inborn right to dismiss a servant and he insists that he cannot be reinstated at all ; that is not a right or power even in any law so far as I can see. For example, in Madras there is no such contemplation of the right of an employer to dismiss and insist that he should take compensation and walk out. If this sub-clause in retained, he can only take compensation to which a ceiling has been fixed. Sir, in such an event, where is the security of employment, if this is accepted ? Sir, there is a law and I do not believe any one has said that the Madras Law is bad. All the employees in the State wanted it as it is. I do not know whether any employer has said that it should be repealed. If the Government can convince us that the employers in a body wanted to repeal this, I can

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understand. There is no such presure and there is no such move. On the other had, all the employees want the retention of the provisions of the Madras Act. In the face of all that, I do not understand why Government have brought this and want us to pass it. The amendment only says that the law that exists in the Madras and Hyderabad Act should exit in the present Bill. I request the Government and the Law Minister to see justice in this amendments and accept them and modify the bill in accordance with it.

†Sri B. VAIKUNTA BALIGA.—Sir, I am indeed very grateful to my friends who have participated in the debate and I am deeply indebted for the very sincere appreciation they made of me and of the sympathetic approach that I am generally supposed to make. Sir, before the Bill was submitted to the Joint Select Committee, all the relavent facts were placed and at the Joint Select Committee, my friend Sri Narasimhan was a member and he will kindly recollect what I pointed out, that it is the desire of all the State Governments and the Central Government that there should be uniformity as far as possible in all these progressive and beneficial legislations. So, the Central Government drafted a Bill and circulated to all the State Governments. The whole draft Bill was before the Select Committee. Sir, if it were any other member who was not the member of the Select Committee, I would have appreciated his criticism. But, Mr. Narasimhan was a Member of the Joint Select Committee where this word Apprentice was discussed. Sir, when we agree to the principle that there should be uniformity in all the States, we have only to see whether there is anything radical in it. Employee is a general term which means any person working under an employer. But apprentice is a class by itself because it learning something and earning something while learning. He cannot possibly learn without working. There is difference between the apprentice and a person who is no longer an apprentice and rendering production. My friends said that there is no period fixed for apprenticeship in this bill. Sir, we are not legislating for the apprenticeship. It is only provided in the definition what an apprentice means. It is based on well grounded reason, namely if the person gets into a workshop or a shop to learn something, and he has got certain privilages. While giving that privilege, he cannot be put on par with an experienced person whose work results in some production.

6-00 P.M.

My friend referred to maternity benefits under the Central Act. At the time when this Bill was passed by the Council the Central Act was not passed. Even now the Central Act has not come into force and we cannot make provision for that. If after the coming into force of the Central Act the Mysore Act becomes repealed then automatically the Central Act will apply or if necessary we can make an amendment then. So the clause as it stands does not need any change.

Then the next point raised was about clause 39 which was termed as retrograde. I am indeed very grateful that some very valuable suggestions were made and there was a certain amount of goodwill expressed at my bringing an amendment to this clause. When this Bill was discussed in the Council this provision was not there nor was it there in the model Bill. The relationship of an employer and employee is unlike other contracts and there is a kind of personal element involved. If an employee is recalcitrant and unwanted and he is dismissed on that account, it is too much to expect the employer to reinstate him. He can only have compensation for retrenchment. If an employee is dismissed, his right to go to a civil court is not taken away. If after an enquiry there is agreement between the employer and employee, then also it is not necessary for him to invoke any of the provisions of the law. Further the last clause of the Bill says whatever provision is more advantageous to an employee will apply to him and so there need not be any apprehension on that score. If an employer is not willing to take back an employee who was dismissed for his recalcitrant behaviour, to force him to take him back is like restitution of conjugal rights. The question is, is it desirable? Is it in the interest of the persons concerned ? What is necessary to provide is that if an employee is dismissed he should be given compensation and that is guaranteed to him. It is in addition that this provision for appeal to the Labour Commissioner and a further appeal to the District Court is sough to be provided by the amendment. This recourse is open equally both to the employer and the employee. So this provision in the amendment goes a long way. My friends would like to see that it extends to reinstatement also, but I do not see how it can be forced upon the employer.

Sri V. SRINIVASA SHETTY.—The Minister just now said that an employer cannot be forced to take back an employee who is dismissed, but I would like to ask in how many cases have the Government not reinstated Government servants who have gone to court in writ and won ? Why should not the same principle be extended to the poor shop employees also ?

Sri B. VAIKUNTA BALIGA.—If my friend refers to Article 311 and the rules framed by the Governor under that Article, does he mean to say that this should be applied to a villager also. If it applies to a villager, I do not know how far it will be possible to work.

Sri C. M. ARUMUGHAM.—I do not know where a villager comes in the picture.

Sri M. C. NARASIMHAN.—It is specifically mentioned that this Bill applies only to towns and town municipalities. It does not apply to villages and how does the question of its application to villagers come in ?

Sri C. M. ARUMUGHAM.—The Minister spoke about the village. I want to know whether there is any reference to the villagers

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anywhere in the Bill. Is there any reference with regard to the applicability of Article 311 to the villages. The Minister is trying to confuse the House and mislead the Members.

Sri C. J. MUCKANNAPPA.—It is not open to a Hon'ble Member of this House to insult another Member of the House. Let him confine himself to the provisions of the Bill. Where is the 'village' mentioned in the Bill?

Sri C. M. ARUMUGHAM.—When the Government is swearing by equality, why should the Law Minister think that the villager is inferior. Why not apply the Bill to the villager.

Sri B. VAIKUNTA BALIGA.—When I used the word 'village' I did not have in mind a village with any particular population. We know there are villages and villages. There are villages with 500 population and villages with more population. Even if I had used a wrong word, I stand corrected.

Sri GAJANAN PANDIT.—May I draw attention to clause 1(14) which says that the Bill may be extend to any other area to be notified by Government, which may also include a village?

Sri VAIKUNTA BALIGA.—It depends upon as to how the word 'village' is interpreted. What all I was submitting was that every person cannot demand application of rules under Article 311. That would lead to curious situations. There are so many cases where reinstatement had to be made by Government because of orders of courts. Let us take a dispassionate view. Supposing the barbers—who have been brought under this Bill—want reinstatement under Article 311, what could we do?

It was also said that such a provision for reinstatement exists in the beedi industry and that it has not been provided here. To say that it is provided elsewhere may be an argument but not a very strong argument. That is all that I can say.

My friend referred to public agitation coming from his district. I am aware of the representations that have been made both before the Select Committee, after the Committee's report and after it was passed by the Council. It is at their instance that the Government has come with an amendment and it goes a long way. Therefore I would appeal to my friends that they may consider it is a very good advance and if we find it necessary to go further, we will do it.

Mr. DEPUTY SPEAKER.—The question is :

"That the Mysore Shops and Commercial Establishments Bill, 1961, as passed by the Legislative Council, be taken into consideration."

The motion was adopted.

Sri C. M. ARUMUGHAM.—It is now 6-15 P.M. and we may adjourn, Sir. The Leaders of the House and the Opposition agreed to sit till 7 P.M. and both of them are not here. They have disappeared.

Mr. DEPUTY SPEAKER.—We have agreed to sit till 7 P.M. Let us finish the Third reading of this Bill.

Sri B. VAIKUNTA BALIGA.—May I appeal to my friends that they are also equally bound to agree with the Business Advisory Committee which was placed and adopted by the House ?

Mr. DEPUTY SPEAKER.—We will continue.

Mr. DEPUTY SPEAKER —Clause 2. There is an amendment.

Sri M. C NARASIMHAN.—Sir, I beg to move:

" That item (*b*) shall be deleted. "

Mr. DEPUTY SPEAKER.—Amendment moved:

" That item (*b*) shall be deleted. "

†Sri M. C. NARASIMHAN.—The word 'apprentice' might be deleted from the provisions. I heard the Law Minister and I am not still convinced of the arguments that were advanced. At one stage he was pleased to say that it is not a case where his services will be taken but will not be paid anything.

Sri B. VAIKUNTA BALIGA.—I said both, where apprentices are paid also.

Sri M. C. NARASIMHAN.—At one stage you said that the intention is not to take the services of the employee and not pay any remuneration; but actually that intention is not covered by the definition. Because he may be paid wages or may not be paid wages. The question of a person learning the trade and craft will not arise in shops and establishments. Take for example an ordinary shop where cloth business is carried on. There may be a peon. Does it mean that an unskilled job as peon's job requires apprentices? That was the reason why this apprentice clause was never introduced in the Bill. His main argument is that it was there in the Bill circulated by the Government of India. He himself chose to move an amendment. It was only meant a draft for guidance. I can assure the Law Minister that the draft Bill has not been followed all over India. Madras has a different provision; Kerala has a different provision. Andhra does not follow the model Bill. Where is the sanctity attached to a thing? In fact, this is a subject matter which comes within the exclusive purview of the State Government but not the Central Government. Suppose the employer calls everybody as apprentice. He cannot say that a peon may serve as an apprentice for ten years. Is there anything which enables the Government to say that the period must be reduced to two years, depedning upon the peculiar circumstances of the trade and carft? The idea contained cannot apply to shops and establishments. I can understand such a thing applying to technical institutions like the Hindusthan

(Sri M. C. NARASIMHAN)

Aircraft and Machine Tools, but not ordinary trade like shop. Perhaps there are a variety of shops where it possible, but we must take exception into account and see how it is consistent with the reality that is prevalent in the particular provision to which this Act applies. One might say that in regard to a barber, an apprenticeship period is required. Barber is not the only profession for which we are enacting this law, there are a host of professions where apprenticeship is the existing practice. It can appropriately be taken care of in the contract between the parties. There is nothing which enables the Government to fix the period. The Inspector on shops and establishments goes to shops and wants to find out from the roll as to who are the employees. Supposing the employer says that all these are apprentices. Is there any remedy? Can the Inspector enforce the provisions of the Act? I would like the Minister to enlighten me on this simple question.

†Sri V. SRINIVASA SHETTY.—Except the stock statement that is found in the draft Bill, we have not found any valid argument. The stock statement seems to be that the draft Bill was sent by the Government of India; it was placed before the Select Committee; hence absolute necessity for enacting this provision. It is a very unhappy state of affairs, that we are not in a position to find out whether it is in the interests of the State, in the interests of the labour, whether it is a retrograde step. That we have to copy everything contained in the draft Bill is a very unhappy state of affairs. My friend referred to the case of barbers. Even in the case of barbers, I do not know whether it will apply to them. I can understand for learning a profession there are apprentices. What are the apprentices to do in a shop? Subject to correction, I have not come across any number of apprentices in shops. If as my friend said, this very mischievous provision is introduced in the Bill, it will give cast scope to employers to hoodwink the law, to circumvent the law and to deprive any number of employees of getting whatever benefit that is conferred in the Bill. If it is the only argument that the provision is contained in the draft Bill, it ought to go; by all means delete this provision. It will be in the best interests of labour to delete this provision. I request the Minister to consider this request favourably and to delete this in the interests of labour.

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ, ಅಪ್ರೆಂಟೀಸ್‌ಷಿಪ್ ಅಂದರೆ ಬುದ್ಧಿವಂತರ ಕೈಕೆಳಗೆ ಕೆಲಸಮಾಡಿ ತರಪೇತಿ ತೆಗೆದುಕೊಳ್ಳುವುದು ಎಂದು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ ವಕೀಲರ ಆಫೀಸಿನಲ್ಲಿ ಲಾ ಪಾಸ್ ಮಾಡಿಕೊಂಡ ಲಾಯರನು ಅಪ್ರೆಂಟೀಸ್ ಆಗಿ ಕೆಲಸ ಮಾಡುತ್ತಾನೆ. ಈ ರೀತಿ ಮಾಡುವುದು ತರಪೇತಿಗಾಗಿ ಇರುತ್ತದೆ. ಈ ಕಾನೂನು ಲಾಯರುಗಳಿಗೆ ಅನ್ವಯಿಸುತ್ತದೆಯೆ? ವಕೀಲರಿಗೆ ಅನ್ವಯಿಸುತ್ತದೆಂದು ಒಪ್ಪಿಕೊಳ್ಳೋಣ. ಆದರೆ ಒಂದು ದುಕಾನದಲ್ಲಿ ಆಗಲೀ, ಬೀಡೀ ಅಂಗಡಿಯಲ್ಲಾಗಲೀ, ಹಣ್ಣಿನ ಅಂಗಡಿಯಲ್ಲಾಗಲೀ ಹೋಟೆಲ್ಲಿನಲ್ಲಾಗಲೀ ಅಪ್ರೆಂಟಿಸ್ ಆಗಿ ಕಲಿಯತಕ್ಕದ್ದು ಏನು ಇರುತ್ತದೆ? ಕಬ್ಬಿಣ ಅಂಗಡಿಯಲ್ಲಾಗಲೀ ಸೀಮೆಂಟ ಡಿಪೋವಿನಲ್ಲಾಗಲೀ ಕಲಿಯತಕ್ಕಥಾದ್ದು ಏನೂ ಇರುವುದಿಲ್ಲ. ಅವರು ಅಲ್ಲಿ ಬ್ಲಾಕ್ ಮಾರ್ಕೆಟ್ ಮಾಡುವುದನ್ನು ಕಲಿಯು ಬೇಕೆ? ಇದರಲ್ಲಿ ಏನಾದರೂ ಅರ್ಥವಿದೆಯೇ? ತಜ್ಞರು

ಮಾಡುವ ರಾಜ್ಯಭಾರದಲ್ಲಿ ತಪ್ಪು ಇರಲಾರದು ಎಂದು ಅಂದರೆ ಇದೊಂದು ಕಣ್ಣು ಒರೆಸುವ ಕಾನೂನು ಇರುವದರಿಂದ ಇದನ್ನು ಯಾರೂ ಒಪ್ಪುವದಕ್ಕಾಗುವದಿಲ್ಲ. ಅದ ಕ್ಕೋಸ್ಕರವಾಗೇ ಹೀಗೆಲ್ಲ ಕುಳಿತುಕೊಂಡು ರಾತ್ರಿ 7 ಗಂಟೆಮೇಲೆ ಇಂಥ ಬಿಲ್ಲುಗಳನ್ನು ಪಾಸ್ ಮಾಡಿ ಕೇಳುತ್ತಿದ್ದಾರೋ? ಬಾರ್‌ಬಾರ್ ಷಾಪಿಗೆ ಒಬ್ಬ ಕೆಲಸಕ್ಕೆ ಸೇರಿಕೊಂಡರೆ ಅಲ್ಲಿ ಅವನು ಅಪ್ರೆಂಟಿಸ್ ಆಗಿ ಏನು ಕೆಲಸ ಕಲಿಯತಕ್ಕದ್ದಿದೆ? ಬಾಚಣಗೆ ಹೇಗೇ ಹಿಡಿಯ ಬೇಕು, ಕತ್ತರಿ ಯನ್ನ ಹೇಗೇ ಆಡಿಸಬೇಕು, ಕೂದಲನ್ನು ಹೇಗೆ ಕತ್ತರಿಸಬೇಕು, ಕುರ್ಚಿಮೇಲೆ ಹೇಗೆ ಕುಳಿತು ಕೊಳ್ಳಬೇಕು, ಸಣ್ಣ ಕುರ್ಚಿಯೇ ಆಗಬೇಕು, ಮಿರರ್ ಮುಂದೆ ಹೇಗೇ ನೋಡಿಕೊಳ್ಳಬೇಕು ಎಂಬು ದೆಲ್ಲ ಈ ಅಪ್ರೆಂಟಿಸ್ಟ್ ಕೋರ್ಸಿನಲ್ಲಿ ಸೇರುತ್ತವೇನು? ಅಥವಾ ಒಂದು ಸ್ಟೇಷನರಿ ಅಂಗಡಿಯಲ್ಲಿ ಕೆಲಸಕ್ಕೆ ಸೇರಿದರೆ, ನಿಮಗೇನು ಹಸನ್ ಉದಬತ್ತಿ ಬೇಕೋ, ಕಿರುದಾದ ಊದುಬತ್ತಿ ಬೇಕೋ ಎಂತ ಗಿರಾಕಿಗಳಿಗೆ ಕೇಳತಕ್ಕದ್ದು ಸಹ ಒಂದು ಅಪ್ರೆಂಟಿಸ್ ಕೊರ್ಸೇನು? ಕ್ಯಾಬಿನೆಟ್ಟಿನಲ್ಲಿ ಇಷ್ಟೊಂದು ಜನ ಬುದ್ಧಿವಂತರಿದ್ದಾರೆ, ಆದರೆ ಅವರೊಬ್ಬರಿಗೂ ಇಷ್ಟು ಬ್ರೇನ್ ಇಲ್ಲವಲ್ಲ! ಇಂಥ ಅಪ್ರಕೃತ ವಿಚಾರಗಳಿಗೇಕೆ ಮನಸೋತಿದ್ದಾರೆ? ವಿರೋಧ ಪಕ್ಷದವರು ಹೇಳತಕ್ಕ ಹಾದ ರೀಜನಬರ್ ಆಗಿದ್ದರೆ ಸರ್ಕಾರದವರು ಅದನ್ನೇಕೆ ಒಪ್ಪಿಕೊಳ್ಳಬಾರದು? ಹಾಲನ್ನು ಕಂಡರೆ ಆಗದ ರೋಗಿ ಯಂತೆ ಸರ್ಕಾರದವರು ವರ್ತಿಸುತ್ತಿರುವುದನ್ನು ನೋಡಿದರೆ ನಾವು ಇವರಿಗೆ ಬುದ್ಧಿ ಕಲಸಲು ಇನ್ನು ಯಾವ ಹ್ಯಾಮರಿನಿಂದ ಹೊಡೆಯಬೇಕೋ ಅದು ನನಗೆ ತಿಳಿಯದಾಗಿದೆ. ಈಗ ಆಡಳಿತ ನಡೆಸ ತಕ್ಕ ಅಧಿಕಾರವರ್ಗದಲ್ಲಿರತಕ್ಕವರೂ ನಾಳೆ ಚುನಾವಣೆಯಲ್ಲಿ ಬರಬೇಕಾದರೆ ಬಹಳ ಕಷ್ಟಪಡಿ. ಆದ್ದರಿಂದರೇ ಅವರಿಗೆ ನಾನಿಗ ತಾವು ಹೇಳತಕದ್ದನ್ನಾದರೂ ಕೇಳಬೇಕೆಂದು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈ ವಿಚಾರದಲ್ಲಿ ವಿರೋಧಪಕ್ಷದವರಾಗಲೀ, ಆಡಳಿತ ಪಕ್ಷದವರಾಗಲೀ ಯಾರೂ ಏನನ್ನೂ ಹೊತ್ತು ಕೊಂದು ಹೋಗತಕ್ಕದ್ದಿಲ್ಲ, ಕಿತ್ತುಕೊಂದು ಹೋಗತಕ್ಕದ್ದೂ ಇಲ್ಲ. ನಾವೀದಿವಸ ಈ ಶಾಸನ ವನ್ನು ಪಾಸ್ ಮಾಡಿ ಅಧಿಕಾರಿಗಳ ಕೈಗೆ ಆಡಳಿತ ಕೊಟ್ಟಮೇಲೆ ನಾಳೆ ಆಡಳಿತ ಹೇಗೆ ನಡೆಯು ತ್ತದೋ, ಈ ಪೋರ್ಟ್ ಫೋಲಿಯೋ ನಾಳೆ ಮತ್ತೆ ಇನ್ನಾರ ಕೈಗೆ ಹೋಗುತ್ತದೆಯೋ, ಅವರ ಭಾವನೆಗಳು ಹೇಗಿರುತ್ತವೋ, ಅದಕ್ಕಾಗಿ ನಾನೀಗ ಈ ವಿಚಾರಗಳನ್ನೆಲ್ಲಾ ಸ್ವಲ್ಪ ಕೂಲಂಕಷವಾಗಿ ವಿಮರ್ಶೆ ಮಾಡಿ ನೋಡಿ ಎಂತ ಕಾರ್ಮಿಕ ಮಂತ್ರಿಗಳಿಗೆ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಪ್ರೊಬೇಷನರಿ ಪೀರಿಯೆಡ್ಡಿನಲ್ಲಿ ಕೆಲಸ ಮಾಡತಕ್ಕವನು ಸಂಬಳವಿಲ್ಲದೆ ಹಾಗೇ ಕೆಲಸ ಮಾಡಬೇಕೇನು? ಒಂದುವೇಳೆ ಹಾಗೇ ಪುಕ್ಕಟೆ ದುಡಿಯಬೇಕಾಗಿದ್ದರೆ ಅದಕ್ಕೆ ಕಾಲ ನಿಗದಿ ಏನು ಬೇಡವೇ ಬೇಡವೋ? ಸರ್ಕಾರಿ ಉದ್ಯೋಗದಲ್ಲಿ ಈಗ ನೇಮಿಸಿಕೊಳ್ಳುವ ಪ್ರೊಬೇಷನರಿಗೆ ಸಂಬಳ ಇಲ್ಲವೋ? ಹಾಗೆ ಸರ್ಕಾರದಲ್ಲಿ ಪ್ರೊಬೇಷನರುಗಳಿಗೆ ಸಂಬಳ ಕೊಡುತ್ತಿದ್ದರೆ ಇಲ್ಲಿಯು ಸಹ ಅದೇ ರೀತಿ ಸಂಬಳ ಕೊಡುವುದು ಬೇಡವೇ? ಈ ದಿವಸ ಸರ್ಕಾರದವರು ಸರ್ವೆ ಸೂಪರ್‌ವೈಸರುಗಳನ್ನು ಪ್ರೊಬೇಷ ನರ್‌ಗಳಾಗಿ ನೇಮಕ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ. ಅವರಿಗೇಕೆ ಸರ್ಕಾರದವರು ಪ್ರೊಬೇಷನರಿ ಪೀರಿ ಯೆಡ್ಡಿನಲ್ಲಿ ಸಂಬಳ ಕೊಡಬೇಕು? ಹೀಗೆ ಒಂದುಕಡೆ ಪ್ರೊಬೇಷನರುಗಳಿಗೆ ಸಂಬಳ ಕೊಟ್ಟು ಇನ್ನೊಂದು ಕಡೆ ಪ್ರೊಬೇಷನರುಗಳಿಗೆ ಸಂಬಳ ಬೇಡವೆಂದರೆ ಇದು ಯಾವ ನ್ಯಾಯ? ಅಂಗಡಿ ಯಲ್ಲಿ ಬೆಳಗಿನಿಂದ ರಾತ್ರಿ 10 ಗಂಟೆವರೆಗೂ ಕೆಲಸ ಮಾಡಿ ಕೂಲಿಯಿಲ್ಲದೆ ಆ ಆಳು ನ ದು ಕೊಂಡು ಮನೆಗೆ ಹೋಗಿ ರಾತ್ರಿ ತಣ್ಣೀರು ಬಚ್ಚೆಯನ್ನು ಹೊಟ್ಟೆಮೇಲೆ ಹಾಕಿಕೊಂಡು ಆ ಆಳು ಮಲಗಲಿ, ಸಾಹುಕಾರರು ಸುಖವಾಗಿ ಭೋಜನ ಮಾಡಿಕೊಂದು ಮಲಗಲಿ ಎಂಬುದು ಸರ್ಕಾರ ದವರ ಉದ್ದೇಶವಾಗಿರುವಂತೆ ಕಾಣುತ್ತಿದೆ. ಇಂಥ ಕಾನೂನು ಜಾರಿಗೆ ಬರಬಹುದೇ ಎಂಬು ದನ್ನು ಮಂತ್ರಿಗಳು ಮತ್ತೊಮ್ಮೆ ಆಲೋಚನೆ ಮಾಡಿ ಏಕೆ ನೋಡಬಾರದು?

ಶ್ರೀ ಬಿ. ವೈಕುಂಠ ಬಾಳಿಗ.—ಇದರಲ್ಲಿ ಸಂಬಳದ ವಿಚಾರವೆಲ್ಲ ಬರುತ್ತೆ?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ನಾವೆಲ್ಲರೂ ಈ ಮಾನ್ಯ ರಾ ಮಂತ್ರಿಗಳ ಬುದ್ಧಿಗೆ ಮಾರು ಹೋಗಿದ್ದೇವೆ. ಆದರೂ ರಾ ಸಚಿವರು ಮತ್ತೊಮ್ಮೆ ಈ ಕ್ಲಾಜನ್ನು ಓದಿದರೆ ಚೆನ್ನಾಗಿರುತ್ತೆ.

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ನಾನು ಹೇಳುತ್ತಿರುವ ಸಂಬಳದ ವಿಚಾರ ಈ ಕ್ಲಾಜಿನಲ್ಲೇ ಇರುತ್ತೆ ಮಹಾಪ್ರಭು! (ಪ್ರಭುಗಳೆಂದರೆ ಯಾರು?) ಆದಳಿತ ನಡೆಸತಕ್ಕವರೆಲ್ಲರೂ ನಮಗೆ ಪ್ರಭುಗಳೇ! ಈಗ ಈ ಮಸೂದೆಯನ್ನು ಮಂಡಿಸಿರತಕ್ಕವರು ಕಾರ್ಮಿಕ ಮಹಾ ಪ್ರಭುಗಳು. ಒಟ್ಟಿನಲ್ಲಿ ಈಗ ಈ ಮಸೂದೆಯಲ್ಲಿರುವುದೇನೆಂದರೆ: ಒಂದುವೇಳೆ ನಮ್ಮ ಕಾರ್ಮಿಕ ಮಹಾಪ್ರಭುಗಳು ತಮ್ಮ ಅಂಗಡಿಯಲ್ಲಿ ನನ್ನನ್ನು ಕೆಲಸಕ್ಕಿಟ್ಟುಕೊಂಡರೆ ನಾನು ಪ್ರೊಬೇಷನರ್ ಅಂತ ಹೇಳಿಕೊಂಡು ಸಂಬಳವಿಲ್ಲದೆ ನಮ್ಮ ರಾಯರಿಗೆ ಹಾಸಿಗೆ ಹಾಸಿಕೊಟ್ಟ, ಅವರ ಬೂಟ್ಸಿಗೆ ಬಣ್ಣ ಹಚ್ಚಿ, ಪಾಲಿಷ್ ಮಾಡಿಕೊಟ್ಟ, ಅವರ ಮನೆಯ ಕೆಲಸವನ್ನೆಲ್ಲ ಮಾಡಿ ಹೊಚ್ಚೆಮೇರೆ ತಣ್ಣೀರು ಬಚ್ಚೆ ಹಾಕಿಕೊಂಡು ಮನೆಗೆ ಹೋಗಬೇಕೆಂದು ಅರ್ಥವಾಗುತ್ತದೆ. ಇಂಥ ಮಸೂದೆಯನ್ನು ಶ್ರೀ ಬಾಳಿಗಾರವರು ತಂದಿರುವಾಗ ಸಾಮಾನ್ಯ ಜನರು ಬಾಳು ಮಾಡಲು ಅವಕಾಶವಿಲ್ಲವೆಂದರೆ ಈ ಬಾಳಿಗಾರರವರಿಗೆ ದೇವರಾದರೂ ಒಳ್ಳೆದು ಮಾಡುತ್ತಾನೆಯೆ? ಆದ್ದರಿಂದ ಈ (ಬಿ) ಕ್ಲಾಜನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಡಿಲೀಟ್ ಮಾಡಬೇಕೆಂದು ಅವರನ್ನು ನಾನು ಸವಿನಯದಿಂದ ಪ್ರಾರ್ಥಿಸಿ, ಬಡವರ ವಿಚಾರದಲ್ಲಿ ಅವರು ಸಾಜನತೋರಿಸಬೇಕಾದ್ದು ನ್ಯಾಯವೆಂದು ಹೇಳಿ ನನ್ನ ಭಾಷಣ ಮುಗಿಸುತ್ತೇನೆ.

†Sri B. VAIKUNTA BALIGA.—Sir, I am particularly grateful to Mr. Muckannappa for the wonderful approach he has placed upon the debate because the question was not whether there should be any appointment of the apprentice or not. There is a different Act altogether. So far as paymeut of wages Act is concerned, you may recover anything; repayment of wages is not to be enforced in this Act. My friend was saying that the draft given to us by Government of India was not binding and it was open to us not to follow it. I can offer points also in support. If a classification is made pointing out a distinction and a definition is provided foi the word apprentice, what is it that is wrong, I am unable to understand. Whether how far it is to be made applicable, is a different matter. The argument proceeded on the footing that there was no scope for consideration of apprenticeship in any of the shops. If there are shops, should there not be a definition?

Sri Y. VEERAPPA.—Is it not better to stipulate some time for apprenticeship and also some payment for them during such period?

Sri B. VAIKUNTA BALIGA.—That can be done under the rules. It does not mean that this provision should not be there.

MR. DEPUTY SPEAKER.—The question is:

"That item (*b*) shall be deleted"

The amendment was negatived.

MR. DEPUTY SPEAKER.—The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 3.

Sri V. SRINIVASA SHETTY.—I move:

"That after item (*p*) of sub-clause (2), the following item shall be added:

(*q*) persons occupying positions of Managemen in any Establishment."

Mr. DEPUTY SPEAKER.—Amendment moved:

"That after item '*p*' of sub-clause 2 the following item shall be added:

(*q*) persons occupying positions of Management in any business."

[Mr. SPEAKER in the Chair]

Sri V. SRINIVASA SHETTY.—I hope the Hon'ble Minister will accept this amendment.

Sri B. VAIKUNTA BALIGA.—No legislation can provide for all unusual and extraordinary cases. We have provided here a basic distinction between persons in management who can make or mar the business and ordinary employees. This is there in almost all the other State legislations and so I am unable to accept the suggestion made.

Mr. SPEAKER.—The question is:

"That after item (*p*) of sub-clause (2) the following item shall be added:—

"(q) Persons occupying positions of management in any establishment."

The amendment was negatived.

Sri V. SRINIVASA SHETTY.—I beg to move:

"That in sub-clause (1) (*h*) add at end the following words: and drawing Rs. 500 or more per month as salary."

Mr. SPEAKER.—Amendment moved:

"That in sub-clause (1) (*h*) add at the end the following words; and drawing Rs. 500 or more per month as salary."

†Sri V. SRINIVASA SHETTY.—If Government really want management to be exempted, we say let a flooring be fixed and only persons drawing a of salary Rs. 500 and more per month be exempted because they will be persons who do not require the protection of this Act as they are able to take care of temselves. We are only concerned with petty persons of small stature drawing between Rs. 100 and Rs.300 per month who are unable to take shelter under the provisions of this Bill. This provision will be in consonance with the sacred Central Bill which we want to follow. The Minister can have no objection to the acceptance of this small amendment.

†Sri M. C. NARASIMHAN.—Sir, in the course of the general observations the Law Minister said that there is a distinction between a manager and other employees, but here the wording is "persons

(Sri M. C. NARASIMHAN)

occupying positions of management" and it may cover not only the case of manager but others also and so the argument that this particular provision makes a basic distinction between manager on the one hand and the rest of the employees on the other would not be quite proper because other cases also are covered. Nobody says that a manager of a company will come within the purview of this, but in the case of others there should be a fair salary limit beyond which only there should be exemption and that is why it is said that that salary limit should be Rs.500 per month. There is nothing revolutionary in this and I hope the Law Minister can have no objection to accept this amendment.

†Sri B. VAIKUNTA BALIGA.—The wording used in the clause is very beneficial for the reason that if some other designation is given, the employer might try to escape. With regard to the Secretary, I have already pointed out that the Secretary's pay will depend upon the size of the establishment or the turnover or perhaps even, in some cases, if the person belongs to the family, for the purpose of adjusting taxation etc, some adjustments would be made. Therefore I would submit that the post of Secretary is not the proper post. On the other hand the nature of the duties which will be governed by the phraseology employed in the Bill is safer. My friends will pardon me if I am unabe to accept the amendment.

Mr. SPEAKER.—The question is:

In sub-clause (1) (h) and at the end the following words shall be added: "and drawing Rs.500 or more per month as salary"

The amendment was negatived.

Mr. SPEAKER.—The question is.

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 *to* 6.

Mr. SPEAKER.—The question is:

"That Clauses 4, 5 and 6 stand part of the Bill."

The motion was adopted.

Clauses 4, 5 and 6 were added to the Bill.

Mr. SPEAKER.—The House will now rise and meet again at 9.A.M to-morrow.

The House adjourned at Five Minutes past Seven of the Clock to meet again at Nine of the Clock on Tuesday, the 21*st November* 1961.

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